

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
Jerry Lewkowicz

Plaintiff,

-against-

Intercontinental Hotels Group PLC, Intercontinental Hotels  
Resources Group, LLC, Six Senses Hotels Resorts Spas, Six  
Senses Douro Valley Hotel

Defendants.

-----X

**VERIFIED  
COMPLAINT**

Docket No.: 19-CV-10249

Now Comes The Plaintiff JERRY LEWKOWITZ by his attorneys the law firm of CREEDON & GILL, PC, as and for its complaint against the above named defendants INTERCONTINENTAL HOTELS RESOURCES GROUP LLC, INTERCONTINENTAL HOTELS GROUP PLC, SIX SENSES HOTELS RESORTS SPAS and SIX SENSES DUORO VALLEY HOTEL alleging upon information and belief the following:

### **INTRODUCTION**

1. This is an action for personal injury sustained when the Plaintiff JERRY LEWKOWITZ , a seventy year old United States citizen and resident of New Jersey, fell while attempting to descend a stairway at the SIX SENSES DOURO VALLEY HOTEL in Lamego, Portugal where he was a guest on August 3<sup>rd</sup>, 2019. The fall was caused by the absence of any handrails on the stairs in derogation of controlling 2015 International Building Code. The SIX SENSES DOURO VALLEY HOTEL is owned and operated by the Defendants collectively, who are foreign entities. As a result Plaintiff JERRY LEWKOWITZ suffered a fractured hip which required surgical repair.

### **THE PARTIES**

2. At all times hereinafter mentioned the Plaintiff JERRY LEWKOWITZ was and is a natural person residing in the state of New Jersey, United States of America

3. At all times hereinafter mentioned the Defendant Defendant INTERCONTINENTAL HOTELS GROUP PLC is a British multinational hospitality company headquartered in Denham, Buckinghamshire, England with a United States headquarters in Atlanta, Georgia. INTERCONTINENTAL HOTELS RESOURCES GROUP LLC was and is a Delaware Corporation with a headquarter in Atlanta Georgia. These two Defendants are referred to collectively hereinafter as IHG.

4. IHG owns and manages some 5,656 hotels across nearly 100 countries. IHG brands include InterContinental, Regent Hotels, Six Senses Hotels, Kimpton Hotels and Resorts, Hualuxe, Crowne Plaza, voco Hotels, Hotel Indigo, Holiday Inn, Holiday Inn Express, Holiday Inn Club Vacations, Avid, Candlewood Suites, EVEN Hotels, and Staybridge Suites.

5. IHG does business extensively in the Southern District of New York owning and managing in the County of Manhattan Kimpton Muse Hotel, Crowne Plaza in Times Square InterContinental Hotels New York in Times Square, Staybridge Suites in Times Square, Holiday Inn New York City in Times Square, Candlewood Suites New York City in Times Square, Holiday Inn Express New York City in Times Square, Crowne Plaza in Midtown Manhattan, and Holiday Inn Express Manhattan in Times Square.

6. IHG owns controls and operates SIX SENSES HOTELS RESORTS SPAS.

7. SIX SENSES HOTELS RESORTS SPAS operates 11 resorts and 28 spas in 19 countries under the brand names Six Senses, Evason and Six Senses Spas and is a foreign corporation headquartered in Bangkok, Thailand.

8. SIX SENSES HOTELS RESORTS SPAS owns and will open its first United States property within the Southern District within “The Eleventh”, a mixed-use development that will consist of two towers along one square block in Manhattan’s West Chelsea neighborhood between the High Line and the Hudson River. The hotel is slated to open in mid-2019.

9. IHG and SIX SENSES HOTELS RESORTS SPAS own and operate SIX SENSES DOURO VALLEY HOTEL in Lamego, Portugal.

10. Defendant SIX SENSES DOURO VALLEY HOTEL is a resort hotel and spa located in Lamego, Portugal which styles itself as a luxury hotel and resort.

11. Defendants IHG, SIX SENSES HOTELS RESORTS SPAS and SIX SENSES DOURO VALLEY HOTEL all advertise extensively in the Southern District of New York and in the continental United States in order to solicit and entice travelers to stay at the SIX SENSES DOURO VALLEY HOTEL and as a result of which the Plaintiff JERRY LEWKOWITZ traveled to and stayed as a guest at the SIX SENSES DOURO VALLEY HOTEL in Lamego, Portugal and was injured therein on August 3<sup>rd</sup>, 2019 through the negligence of the Defendants as described herein after.

#### **AMOUNT IN CONTROVERSY**

12. The Amount in Controversy in this case exceeds \$75,000.00.

#### **JURISDICTION**

13. Jurisdiction in this case is conferred on this Court by 28 U.S. Code § 1332 due to the complete diversity of the Parties, the amount in controversy and consistent with GUIDI vs. INTER-CONTINENTAL HOTELS CORPORATION, 224 F.3d 142, (United States Court of Appeals, Second Circuit, 2000).

### **ACCIDENT**

14. On August 3<sup>rd</sup>, 2019, Plaintiff JERRY LEWKOWITZ was lawfully present as a guest at the SIX SENSES DOURO VALLEY HOTEL in Lamego, Portugal, and descending a stairway consisting of three to five steps to the Hotel restaurant when he was caused to lose his balance and fall. Plaintiff lost his balance and fell solely as a result of the stairway not having any handrails in place.

15. The absence of any handrails was and is in direct derogation of controlling 2015 International Building Code Section 1011.11 which states that “stairways shall have handrails on each side” and this fact was known to these Defendants who had both actual notice of the condition, having created it themselves, and constructive notice of the condition, it having existed for a period of time adequate for them to have discovered and corrected the condition.

### **AS AND FOR A STATE LAW CAUSE OF ACTION FOR NEGLIGENCE**

16. The Defendants by their agents, servants or employees had a duty to keep the SIX SENSES DOURO VALLEY HOTEL in a reasonably safe condition, to comply with applicable safety related building codes and to prevent the existence of any dangerous and defective condition which harbored a hazard and trap which created an unreasonable and foreseeable danger of injury to persons lawfully on the premises.

17. The injury to JERRY LEWKOWITZ was proximately caused and occasioned by the negligent failure of the Defendants its servants, agents, or employees to equip the stairs with handrails in direct derogation of controlling 2015 International Building Code Section 1011.11 which states that “stairways shall have handrails on each side” and to use reasonable care to keep the SIX SENSES DOURO VALLEY HOTEL in a reasonably safe condition for the protection of all patrons, including JERRY LEWKOWITZ, whose presence was reasonably foreseeable; to refrain from creating or permitting to exist any dangerous condition, hazard or trap which created

an unreasonable and reasonably foreseeable danger of injury to those lawfully on the premise, in failing to warn of the existence of the dangerous condition, hazard or trap and in negligently failing to correct the dangerous conditions.

18. As a direct and causal result of the negligent acts of omission and commission of the Defendants failing to act in a reasonable manner of any other so situated, the Plaintiff JERRY LEWKOWITZ was severally and permanently injured, rendered sick, sore and lame and suffered and continues to suffer past pain and suffering, future pain and suffering, past medical expenses, future medical expenses and other damages and expenses known and unknown all to his detriment and all due to the negligence of Defendants.

19. As a result thereof, Plaintiff is entitled to recover all of his damages from the Defendants, in the amount in excess \$75,000.00

**AS AND FOR A CAUSE OF ACTION PURSUANT TO  
PORTUGUESE CIVIL CODE ARTICLE 483**

20 Plaintiff repeats and reiterates Paragraphs 1 through 17 as if set forth in full at this point.

21. Portuguese Civil Code. Article 483 states that *“whoever, whether by willful misconduct or negligence, unlawfully infringes the rights of another person or any legal provision intended to safeguard the interests of others, must compensate the injured party for the damages arising from such violation”*.

22. Accordingly for the negligence described heretofore inclusive of the failure to implement the requirements of International Building Code Section 1011.11 all of which caused the injury to Plaintiff JERRY LEWKOWITZ without any negligence on his part contributing, Defendants are cast in damages to Plaintiff for past pain and suffering, future pain and suffering, past medical expenses, future medical expenses and other damages and expenses known and unknown all to his detriment and all due to the negligence of Defendants

23. As a result thereof, Plaintiff is entitled to recover all of his damages from the Defendants, in the amount in excess \$75,000.00

**JURY DEMAND**

24. Plaintiff requests a trial by jury for all claims and issues so triable.

**RELIEF**

25. Wherefore Plaintiff respectfully demands the following relief:

- a. An award of past and future compensatory damages to Plaintiff in a sum to be determined at trial but in no event less than the jurisdictional minimum of this Court.
- b. An award for Plaintiff for past and future medical and other health care related expenses in an amount to be determined at trial.
- c. An award to the Plaintiff for the costs of this suit.
- d. Any and all other relief to which the Plaintiff may be entitled.

Dated:  
October 14, 2019  
Northport New York.

CREEDON & GILL P.C.

To:

By: \_\_\_\_\_  
Peter J. Creedon (8423)  
24 Woodbine Ave, Ste. 8  
Northport, New York 11768  
(631) 656-9220

INTERCONTINENTAL HOTELS  
RESOURCES GROUP, LLC

INTERCONTINENTAL HOTELS  
GROUP PLC,

SIX SENSES HOTELS RESORTS SPAS

SIX SENSES DOURO VALLEY HOTEL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JERRY LEWKOWITZ

**VERIFIED COMPLAINT**

Plaintiff,

Docket No.:

-against-

INTERCONTINENTAL HOTELS RESOURCES GROUP,  
LLC, INTERCONTINENTAL HOTELS GROUP PLC, SIX  
SENSES HOTELS RESORTS SPAS, AND SIX SENSES  
DOURO VALLEY HOTEL

Defendants.

-----X

CREEDON & GILL P.C.  
24 WOODBINE AVE, Suite 8  
NORTHPORT, NEW YORK 11787  
Phone (631) 656-9220  
Fax (631) 686-6718

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JERRY LEWKOWITZ

**VERIFICATION**

Plaintiff,

Docket No.:

-against-

INTERCONTINENTAL HOTELS RESOURCES GROUP,  
LLC, INTERCONTINENTAL HOTELS GROUP PLC, SIX  
SENSES HOTELS RESORTS SPAS, AND SIX SENSES  
DOURO VALLEY HOTEL

Defendants.

-----X  
  
JERRY LEWKOWITZ being duly sworn deposes and states that I am the Plaintiff in the  
captioned action, and I have read the foregoing complaint, and know the contents thereof to be  
true except for matters stated on information and belief which I believe to be true.

  
\_\_\_\_\_  
JERRY LEWKOWITZ

Before me on October 19th 2019 came Jerry Lewkowitz personally known to me or who  
established his identify sufficiently to me and executed the foregoing Verification.

  
\_\_\_\_\_  
NOTARY PUBLIC

Dated: 10/16/19

BARBARA BRATTOLE  
Notary Public - State of New Jersey  
My Commission Expires Oct 14, 2021